

DEPARTMENT OF SOCIAL SERVICES

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March 21, 1984

ALL-COUNTY LETTER NO. 84-38

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: Federal Review for Compliance with PL 96-272

REFERENCE:

The federal Department of Health and Human Services (DHSS) has notified the Department of Social Services (DSS) that the Region IX Office is preparing to conduct the post certification review of California's compliance with Section 427 of the Social Security Act (PL 96-272). The review will be completed in two steps: 1) an administrative review of the state's law, regulations, policies and procedures for implementing the major components of PL 96-272 and 2) a review of case records.

To assist county welfare departments (CWD) in preparing for the case review portion of the compliance process, we have attached questions which were included in the federal administrative review instrument. We have annotated each section, indicating the corresponding state regulatory requirement citations so that CWDs may better anticipate the areas of case record documentation which will be covered in the federal case review phase. Specific information regarding the review of the Foster Care Information System (FCIS) - inventory and statewide information system - will be forthcoming from the Administration Division of the department. At this time, DSS does not know when the administrative review phase will be completed by Region IX staff or when the review of cases will begin. Counties will be notified as soon as this information is available.

If you have questions, please contact your Adult and Family Services program operations consultant at (916) 322-6671 or ATSS 492-6671. If you have questions relating to the inventory or the statewide information system, please contact your FCIS analyst at (916) 322-5462 or ATSS 492-5462.


LOREN D. SUTER

Deputy Director
Adult and Family Services Division

Attachment

cc: CWDA

I. STATE AGENCY ADMINISTRATIVE REVIEW

427(a)(1) Inventory

YES

NO

- (1) (A) Has the State conducted an inventory of all children who have been in foster care under the responsibility of the State for a period of six months preceding the inventory?

Foster Care Information System (FCIS) Reporting Instructions Manual.

- (B) For each child has the State determined the appropriateness of and necessity for, the current foster placement, and whether the child can be or should be returned to his parents or freed for adoption?

MPP Sections:

30-354

30-376.141(c) (1) (A)

30-376.15(c)

YES

NO

- (C) For each child in the inventory, has the State determined the services necessary to facilitate either the return of the child or the placement of the child for adoption or legal guardianship?

MPP 30-376.14

427(a)(2)(A) Statewide Information System

Does the State agency have a statewide information system from which the following data can readily be determined for all children currently in foster care and children who have been in foster care within the preceding 12 months:

(A) demographic characteristics

(B) legal custody status

(C) location

(D) placement goals

Foster Care Information System (FCIS) Reporting Instructions Manual.

427(a)(2)(B) Case Review System

Case Plan

For each child in foster care under the responsibility of the State there is a case plan which is a written document.

The case plan includes at a minimum:

- (A) a description of the type of home or institution in which the child is to be placed;

MPP 30-376.141(c)(1)(A)

YES

NO

- (B) a discussion of the appropriateness of the placement;

MPP 30-376.141(c)(1)(A)

- (C) a discussion of how the responsible agency plans to carry out the judicial determination made with respect to the child in accordance with Section 472(a)(1)*;

MPP 30-376.141(c)(1)(A)

- (D) a plan for assuring that the child receives proper care;

MPP Sections:

30-342.1, .2, .3 and .6

30-376.13 and .14

30-376.15

- (E) a plan for assuring that services are provided to the child and parents to improve conditions in the parent's home and facilitate return of the child to his own home;

MPP Sections:

30-342.5

30-376.13 and .14

*Section 472(a)(1) - "The removal from the home was the result of a judicial determination to the effect that continuation therein would be contrary to the welfare of such child and (effective October 1, 1983) that reasonable efforts of the type described in Section 471(a)(15) have been made."

YES

NO

- (F) a plan for assuring that services are provided to the child and foster parents to facilitate return of the child to his own home or the permanent placement of the child and address the needs of the child while in foster care:

MPP Sections:

30-342
30-376.151(b)(c)

- (G) a discussion of the appropriateness of the services that have been provided the child under the plan.

MPP 30-376.151(a)(b)

(2) Case Review

The State agency has a case review system which meets the requirements of Section 475(5) of the Act and assures that

- (A) the case plan for each child is designed to achieve:

- (i) placement in the least restrictive (most family like) setting available and

MPP 30-336.11

- (ii) placement in close proximity to the parent's home consistent with the best interests and special needs of the child

MPP 30-336.111

YES

NO

(B) the status of each child is reviewed periodically but no less frequently than once every six months by either a court or an administrative review;

MPP 30-491.1 through .122

(C) the periodic review

(i) determines the continuing need for and appropriateness of the placement;

MPP 30-492.111 and .112

(ii) determines the extent of compliance with the case plan;

MPP 30-492.112

(iii) determines the extent of progress made toward alleviating or mitigating the causes necessitating the placement in foster care; and

MPP 30-492.114

(iv) projects a likely date by which the child may be returned home or placed for adoption or legal guardianship.

MPP 30-492.115

YES

NO

(D) in an administrative review the following requirements specified in Sec. 475(6) are met:

- (i) the review is open to the participation of the parent(s) of the child, and

MPP 30-494.11

- (ii) the review is conducted by a panel of appropriate persons at least one of whom is not responsible for the case management of, or the delivery of services to, either the child or the parent(s) who are the subject of the review.

MPP 30-493.21

(E) the State agency applies procedural safeguards with respect to each child in foster care under the supervision of the State which assure that

- (i) a dispositional hearing is held in a family or juvenile court or another court (including a tribal court) of competent jurisdiction or by an administrative body appointed or approved by the court, no later than 18 months after the original placement (and periodically thereafter during the continuation of foster care);

Not applicable to case review phase.